

# Calendar No. 918

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SENATE

{ REPORT  
No. 849

## TO RESTORE TO THE PUBLIC DOMAIN LANDS RESERVED BY PUBLIC PROCLAMATION AS NATIONAL MONUMENTS

JANUARY 5 (calendar day, JANUARY 8), 1925.—Ordered to be printed

Mr. LADD, from the Committee on Public Lands and Surveys, submitted the following

### REPORT

[To accompany S. 3840]

The Committee on Public Lands and Surveys, to whom was referred the bill (S. 3840) authorizing the President of the United States to restore to the public domain lands reserved by public proclamation as national monuments, and validating any such restorations heretofore so made by Executive order, having considered the same, reports thereon favorably without amendment and recommends it do pass.

The recommendations of the Interior Department are indicated by the reports submitted by them, as follows:

DEPARTMENT OF THE INTERIOR,  
Washington, January 3, 1925.

Hon. E. F. LADD,  
*Chairman Committee on Public Lands and Surveys,  
United States Senate.*

MY DEAR SENATOR LADD: I have the honor to submit herewith for your consideration and introduction draft of a proposed bill authorizing the President of the United States to restore to the public domain lands reserved by public proclamation as national monuments, and validating any such restorations heretofore so made by Executive order.

The facts which induce this recommendation are briefly as follows: Under the provisions of section 2 of the act of June 8, 1906 (34 Stat. 225), the President has from time to time declared by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that were situated upon lands owned or controlled by the Government of the United States to be national monuments. While it has been the usual practice to make a temporary withdrawal of these areas for examination before such permanent reservation was created, it has been subsequently disclosed in several instances that certain small areas embraced therein were neither essentially suited nor necessary for such a reservation. In these instances it has been the

usual practice of the department to recommend to the President that such areas be eliminated therefrom and restored to the public domain by Executive order. The Attorney General, however, by opinion of March 29, 1921 (32 Ops. Atty. Gen. 488), held that the power to thus reserve the public lands does not necessarily include the power to restore them to the general public domain; in fact, that after such establishment by proclamation it becomes a fixed reservation subject to restoration only by legislative act. In view thereof and also in order that these restorations heretofore made may be validated, the enactment of the proposed legislation herewith transmitted is recommended.

By letter of even date I have also forwarded a similar communication and recommendation to the chairman of the Committee on the Public Lands, House of Representatives.

Very truly yours,

HUBERT WORK, *Secretary.*

